

Mayor Kovach called the meeting to order at 7:30 p.m.

Flag Salute.

Roll Call: Present – Carberry, Dineen, Pendergast, Rylak, Smith, Sosidka, Mayor Kovach

STATEMENT OF ADEQUATE NOTICE:

Mayor Kovach read the following statement: “Adequate notice of this meeting has been provided, indicating the time and place of the meeting and the proposed agenda, which notice was posted, made available to newspapers, and filed with the Clerk of the Town of Clinton in accordance with Section 3(d) of Chapter 231 of the Public Laws of 1975.”

APPROVAL OF MINUTES

A motion was made by Mr. Carberry, seconded by Mr. Pendergast to approve the minutes of the Regular council meeting October 27, 2015 as submitted.

Vote all ayes
1 Abstention (Sosidka)
Motion carried

APPROVAL OF EXECUTIVE SESSION MINUTES

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to approve the minutes of the Executive Session held October 27, 2015.

Vote all ayes
1 Abstention (Sosidka)
Motion carried

APPROVAL OF MONTHLY REPORTS – OCTOBER

A motion was made by Mr. Carberry seconded by Mr. Smith, to approve the monthly reports for October as submitted:

Administrator’s Report, Clerk’s Account, Cat & Dog Licensing Accounts, Construction Control/ Inspection Report, Police Report, Road Foreman’s Report, Sewer Collector’s Report, Tax Collector’s Report, Water Collector’s Report, Wastewater Treatment Plant Superintendent’s Report, Zoning Officer Report.

Vote all ayes
Motion carried

PUBLIC COMMENT – None

MAYOR’S COMMENTS

1. Mayor Kovach received a recommendation to appoint Neil Viotto to fill the Alternate position on the Land Use Board. A motion was made by Mr. Carberry, seconded by Mr. Pendergast, to appoint Neil Viotto with an expiration date of 2017.

Vote all ayes
Motion carried

BANNER REQUEST – CLINTON GUILD

A request has been received from the Clinton Guild to display the Holiday Season banner from November 16 through January 4, 2016. A motion was made by Mr. Carberry, seconded by Mr. Rylak to grant the requested as submitted.

Vote all ayes
Motion carried

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SPECIAL EVENT APPLICATION – 29th ANNUAL CHRISTMAS PARADE

A special event application has been received from Dan Torrone, “Dr. D”, for the 29th Annual Clinton Guild Christmas Parade. Chief Matheis reviewed the application prior to the meeting and everything is in order. A motion was made by Mr. Smith, seconded by Ms. Sosidka, to approve the special event as submitted.

Vote all ayes
Motion carried

LIMOUSINE LICENSE APPLICATION

An application has been received from Firoz Ahmed to register two limousines that are stationed at the Clinton Holiday Inn. A background check has been completed by the Clinton Police and all checks out fine, however, two references were not supplied so the applicant will be notified to do so. Mr. Pendergast made a motion seconded by Mr. Rylak to deny without prejudices. The application will come before Council once again at the next meeting.

Vote all ayes
Motion carried

RESOLUTION # 134-15 – PRESERVING THE INTEGRITY OF THE LOCAL PENSION SYSTEM

A motion was made by Ms. Sosidka, seconded by Mr. Smith, to adopt Resolution #134-15 as submitted:

**RESOLUTION #134-15
URGING GOVERNOR CHRISTIE TO PROTECT LOCAL PROPERTY
TAXPAYERS BY RESPECTING THE STRUCTURE AND
PRESERVING THE INTEGRITY OF LOCAL PENSION SYSTEMS**

WHEREAS, the local pension systems funded by county and municipal property tax dollars and employee contributions are actuarially sound as counties and municipalities and their employees and retirees have prudently made their contributions to the pension funds; and

WHEREAS, the local pension systems include the local Public Employees Retirement System (PERS), funded at 73.9%, and the local Police and Fire Retirement System (PFRS), funded at 76.9%, according to the latest valuation reports; and

WHEREAS, the local pension systems are close to or have exceeded the target funded ratio of 75% by fiscal year 2012 pursuant to the pension and health benefits reform law enacted in 2011, and have combined actuarial valued assets of \$42 billion with estimated retirement allowances due of \$3 billion; and

WHEREAS, while local pension funds are financially healthy, the State Employee Pension Funds controlled by the State of New Jersey are not, due to well documented decades of mismanagement; and

WHEREAS, the New Jersey Pension and Health Benefit Study Commission in its report entitled “A Roadmap to Resolution” recommends, in part, moving toward a merger of all local pension funds with the underfunded State Employee Funds, an ill-advised change that would only bail

out the State Pension Funds at the expense of taxpayers, local governments, and county and municipal state employees who responsibly contributed to those funds; and

WHEREAS, the Town of Clinton recognizes that the State must take meaningful steps to make the State government funded pension systems more affordable for taxpayers and sustainable members, but objects to any reforms that would merge the local pensions systems with those of the State's systems, shifting the financial burden of fixing the underfunded State Pension Funds to local taxpayers; and

WHEREAS, it is in the best interest of county and municipal taxpayers and governing bodies across the State that the State of New Jersey reform its pension systems with viable, meaningful and long term solutions that pay off existing State pension deficits without affecting, diluting, or diverting valuable local pension system assets;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Clinton, County of Hunterdon and State of New Jersey, as follows:

1. That the Town of Clinton does in fact hereby urge State leaders to protect local property taxpayers, governing bodies and employees and retirees by preserving the structure of integrity of the fiscally solvent local pension systems.
2. That certified copies of this Resolution be forwarded to the Governor of the State of New Jersey, President of the New Jersey State Senate, Speaker of the General Assembly and Clerks of Hunterdon County Municipalities.

Vote all ayes
1 Abstention (Carberry)
Motion carried

RESOLUTION #135-15 – TRANSFER OF FUNDS

A motion was made by Mr. Pendergast, seconded by Mr. Carberry, to adopt Resolution #135-15 authorizing a Transfer of Funds.

RESOLUTION – # 135-15

WHEREAS, it has been determined that there will be excesses in certain appropriations over and above the amount deemed to be necessary to fulfill the purpose of such appropriations for the year 2015, and it has also been determined that certain appropriations are deemed to be insufficient to fulfill the purposes of such appropriations; and

WHEREAS, N.J.S.A. 40A:4-58 provides for the transfer of the amount of such appropriations as may be deemed in excess to such appropriations as may be deemed to be insufficient; and

WHEREAS, the transfers about to be authorized do not affect any appropriations, to which or from which transfer are prohibited under the statutes;

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NOW, THEREFORE, BE IT RESOLVED that the following transfers between 2015 appropriations be authorized pursuant to N.J.S.A. 40A:4-58:

	<u>From</u>	<u>To</u>
Electricity – Other Expenses	\$ 5,000.00	
Street Lighting – Other Expenses	\$ 2,000.00	
Maintenance of Parks – Other Expenses	\$ 4,500.00	
Board of Health – Other Expenses	\$ 300.00	
Safety Administration – Other Expenses	\$ 1,000.00	
Municipal Clerk – Other Expenses	<u>\$ 500.00</u>	
TOTALS	\$ 13,300.00	
Legal – Other Expenses		\$ 5,000.00
Affordable Housing – Other Expenses		\$ 3,500.00
Vehicle Maintenance – Other Expenses		\$ 2,000.00
Tax Assessment – Other Expenses		\$ 300.00
Tax Collection – Other Expenses		\$ 500.00
Buildings & Grounds – Other Expenses		<u>\$ 2,000.00</u>
TOTALS		\$ 13,300.00

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Rylak, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION #136-15 – OVERPAYMENT OF TAXES

A motion was made by Mr. Carberry, seconded by Mr. Rylak, to adopt Resolution #136-15 as submitted:

RESOLUTION # 136-15

WHEREAS, the Tax Collector of the Town of Clinton has received an overpayment for the following block and lot due to refinance or closing,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Town of Clinton that the Chief Financial Officer be authorized to refund the overpayment to Corelogic Real Estate Tax Service c/o Refund Department, 95 Methodist Hill Road, Suite 100, Rochester, NY, 14623, for the following account:

<u>BLOCK</u>	<u>LOT</u>	<u>OWNER</u>	<u>AMOUNT</u>
31.01	7.01 C2315	Ajit Dandekar	\$ 445.20

BE IT FURTHER RESOLVED that the Tax Collector remove the overpayment on the above block and lot for the 4th quarter 2015.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Rylak, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

ORDINANCE #15-15 – APPEALING ORDINANCE #11-03 – GEORGES PLACE EXTENSION

The meeting was opened to hear the comments from the Pine Ridge Homeowners Association spokesman, John Madden. Since the last meeting, Mr. Madden has explored files with Mr. Phelan, Town Administrator, seeking documents that would give history of the agreement made between the Town and the Association. Mr. Madden stated that he did have information contained in the documents and would type up referenced items and provide copies for the Council and the Road Committee to review. A motion was made by Mr. Pendergast seconded by Mr. Smith to continue to table the vote until the next meeting.

Vote all ayes
1 nay (Carberry)
Motion carried

ORDINANCE #15-18 – AMENDING CHAPTER “FIRE DEPARTMENT”

A motion was made by Mr. Smith, seconded by Mr. Carberry to open the public hearing of Ordinance #15-18:

ORDINANCE # 15-18

**ORDINANCE AMENDING CHAPTER 10 ENTITLED “FIRE DEPARTMENT” OF THE
GENERAL ORDINANCES OF THE TOWN OF CLINTON, COUNTY OF HUNTERDON,
AND THE STATE OF NEW JERSEY**

Vote all ayes
Motion carried

There being no public comment, a motion was made by Mr. Pendergast, seconded by Mr. Carberry, to close the public portion of the meeting.

Vote all ayes
Motion carried

A motion was made by Mr. Pendergast, seconded by Mr. Smith, to adopt Ordinance #15-18 as submitted.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Rylak, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

PROPOSED ORDINANCE #15-20- KNOX BOX

An informal discussion regarding a Knox Box ordinance which would require a property owner or a business owner to have a key lock box installed at or near the main entrance to a building in case of fire or if an individual would be unable to respond to answering the door. Mr. Rylak reached out to the Knox Box company for an idea as to the cost which he learned could be from \$160 to \$320 range, with much more expensive types available. Mr. Pendergast, liaison to the Clinton Fire Department, said the Knox Box would be an alternative to breaking the door down, and that Fire Chief Walt Dorf recommended this device. Fire Chief Dorf will be asked to attend the next council meeting to answer questions of Council.

CORRESPONDENCE - none

REPORTS FROM COUNCIL
Police Chief Matheis

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Chief reported that the Halloween season was a good one! The Haunted Mill exceeded their goals!

Councilman Smith

1. Rescue Squad, calls are up 10% over October, 2014, a total of 247 calls for October. In 10 months of 2015 calls have already surpassed 2014 calls.
2. Roads Committee discussed putting up a second sign for the crosswalks on Halstead Street to comply with crosswalk laws.
3. Repaired fencing along West Main Street between the Clinton House and the Red Mill Museum Village. The State of New Jersey Water Supply Authority will be contacted to firm up the bank with gabions and supports. Mayor Kovach suggested contacting Henry Patterson from the Water Supply.

Councilman Pendergast

1. Clinton Fire Department, Engine 2 has been outfitted fully, training has been completed! The department continues to charge a fee for services on the highway, currently 10 claims totaling \$8,400, they have received \$1,200 and another \$1,200 in on the way.
2. May 20, 2017 is the date of the ***HUGE PARADE AND CELEBRATION!*** Clinton Fire Department celebrating 125 years and Clinton First Aid and Rescue Squad celebrating 50 years! More information to come.
3. Two membership applications have been received from junior to full member status.

Jessica H. Dorf
20 Union Road
Clinton, NJ 08809

Matthew J. Thomas
1 Woods Edge Court
Pittstown, New Jersey 08867

Motion made by Mr. Pendergast seconded by Mr. Smith, to accept the membership applications submitted.

Vote all ayes
Motion carried

Councilman Carberry

1. Environmental Commission – spoke with the New Jersey Water Supply authority and they will be removing the Russian Olive, which is an invasive brush, behind the location of the new apartments going up on Halstead Street next to the Hunterdon County Library. They will also look at the water chestnut trees as well.

Councilman Rylak

1. Smart Growth holding a public meeting Thursday November 12, 2015 at 7:30 p.m. at the Fire House.

PUBLIC COMMENT

Nicole Piazza, attended this evening on behalf of the Clinton Guild to promote Dickens' Days, November 27, 28, and 30th. Tree lighting will be Friday 6:30 P.M. Small Business Saturday, selfies and fun! Candlelight Night December 10 with luminaries lining the streets, Santa's Workshop will be located on the patio of the Art Museum along with Santa's chair. Santa will be visiting Saturdays, December 5, 12, 19 from Noon to 3:00 p.m.

STANDBY AND OVERTIME

A motion was made by Mr. Carberry, seconded by Ms. Dineen to approve the standby and overtime submitted for the period of October 23 through November 5, 2015 attached to these minutes.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Smith, Sosidka, Mayor Kovach

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Vote all ayes
Motion carried

PAYMENT OF BILLS

A motion was made by Mr. Smith seconded by Mr. Carberry to approve the voucher list attached to these minutes.

ROLL CALL: Ayes: Carberry, Dineen, Pendergast, Rylak, Smith, Sosidka, Mayor Kovach

Vote all ayes
Motion carried

RESOLUTION # 137-15 – EXECUTIVE SESSION

A motion was made by Mr. Pendergast seconded by Mr. Smith to enter into Executive Session at 8: 08 p.m. to discuss Pending Litigation and Attorney / Client Privilege.

RESOLUTION #137-15

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, **THEREFORE**, BE IT **RESOLVED** by the Mayor and Council of the Town of Clinton, County of Hunterdon, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public (Provision relied upon:
_____);

_____A matter where the release of information would impair a right to receive funds from federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract:

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_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

_____ X Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (the general nature of the litigation or contract negotiations is:

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or

negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that

confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____

OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists);

_____ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of

discussion is _____

OR _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Town Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Town or any other entity with respect to said discussion. That time is currently estimated to be: _____ (estimated length of time) OR upon the occurrence of _____

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Vote all ayes
Motion carried

ADJOURNMENT: Following the return from Executive Session and there being no further business, a motion was made by Mr. Smith seconded by Mr. Carberry to adjourn the meeting at 8:44 p.m.

Cecilia Covino, RMC/CMC
Town Clerk

Mayor Janice Kovach